

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

PAMELA PALMERTREE

PLAINTIFF

VS.

CIVIL ACTION NO.: 4:13-cv-101-MPM-JMV

VILLAGE PROPERTIES, INC.

DEFENDANT

ORDER

This matter is before the court on Plaintiff's Motion to Compel Discovery [37]. Having considered the unopposed motion, the court hereby rules as follows.

The court observes the exhibits the plaintiff seeks to compel were not requested in a formal request for production of documents. Consequently, if the documents are properly the subject of a motion to compel, they must be producible pursuant to the defendant's initial disclosure requirements. In particular, Federal Rule of Civil Procedure 26 provides, "A party must ... provide to the other parties a copy – or a description by category and location – of all documents ... the disclosing party ... may use to support its claims or defenses...." FED. R. CIV. P. 26(a)(1)(A)(ii).

IT IS, THEREFORE, ORDERED:

- (1) If the defendant does not intend to use the exhibits in support of its claims or defenses, the motion is hereby **DENIED**.
- (2) If the defendant does intend to use the exhibits in support of its claims or defenses, the motion is hereby **GRANTED**, and the defendant must produce the requested documents within twenty-four (24) hours of entry of this order.

(3) The court further observes the parties' obligations to confer in good-faith have been suspect, and they are reminded of the necessity in this district to conduct themselves with civility and professionalism.

SO ORDERED, this the 28th day of January 2014.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE